IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No.5361 of 2006

Date of Decision: 14.11.2006

Naresh Kumar .....Petitioner

Versus

State of Punjab and others .....Respondents

CORAM:- HON'BLE MR.JUSTICE J. S. KHEHAR
HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Puneet Bali, Advocate
for the petitioner.

Mr.Ashok Aggarwal, Addl.AG Punjab for the respondents.

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J.S.KHEHAR,J.(Oral)

Through the instant writ petition, the petitioner has impugned the order of his transfer dated 30.3.2006 from Rajpura to Moga. This Court, by its order dated 4.4.2006, passed an interim order whereby the operation of the impugned order was stayed, subject to the condition that the petitioner had not been relieved. It is the contention of the learned counsel for the petitioner that consequent upon the passing of the interim order dated 4.4.2006, the petitioner remained posted as BDPO, Rajpura and that he is continuing at the said station till date.

The sequence of the events narrated in the writ petition reveal that the impugned transfer order dated 30.3.2006 had been passed, on account of the fact, that an enquiry was pending against the petitioner. We

have now been informed by the learned counsel for the respondents that the enquiry conducted against the petitioner has since been filed, as such, it is obvious that the solitary reason for transferring the petitioner vide order dated 30.3.2006 (Annexure P18) has since ceased to exist.

In view of the above, we are of the view that the instant writ petition deserves to be disposed of by setting aside the transfer order dated 30.3.2006 (Annexure P18). Ordered accordingly.

It is, however, clarified that it will be open to the respondents to pass a fresh order of transfer, in administrative exigency, if the same called for.

Disposed of accordingly.

(J. S. KHEHAR)
JUDGE

(S. D. ANAND)
JUDGE

November 14, 2006
SRM